

**SENTENCE DATA SHEET**

**CRIMINAL NO.:** H-21-165

**DEFENDANT:** XAVIER REYES

**DEFENDANT'S  
IMMIGRATION  
STATUS:**

United States

**GUILTY PLEA:** Counts One, Three, & Four

**SUBSTANCE  
OF PLEA**

**AGREEMENT:**

The defendant agrees to plead guilty to Counts One, Three and Four of the Superseding Indictment. Defendant also agrees to provide mandatory restitution under Title 18, United States Code, Section 2259, which is not less than \$3,000.00 per victim, to all eligible victims under Counts One, Two, Three, Four, Five and Six, regardless of the counts of conviction. In exchange, at the time of sentencing, the United States agrees not to oppose Defendant's anticipated request to the Court and the United States Probation Office that he receive a two (2) level downward adjustment pursuant to U.S.S.G. Section 3E1.1(a) should the Defendant accept responsibility as contemplated by the Sentencing Guidelines. If the Court determines that the Defendant qualifies for an adjustment under U.S.S.G. Section 3E1.1(a), and the offense level is 16 or greater, the government will move for an additional one-level reduction under USSG Section 3E1.1(b). The United States will also move to dismiss any remaining counts of the Superseding Indictment and the original Indictment at the time of sentencing. The defendant waives his right to appeal and to collaterally attack his conviction.

**ELEMENTS:**

**COUNT 1:** Distribution of Child Pornography = 18 U.S.C. § 2252A(a)(2)(B)

1. That the defendant knowingly distributed material that contained child pornography;
2. That the material containing child pornography was transported in or affecting interstate or foreign commerce by any means, including by computer; and,
3. That when the defendant distributed the material, he knew it contained child pornography.

**COUNTS 3 & 4:** Sexual Exploitation of Children = 18 U.S.C. § 2251(a)

1. That the defendant employed, used, persuaded, induced, enticed or coerced a minor to engage in sexually explicit conduct or attempted to do so;
2. That the defendant knowingly did this for the purpose of producing a visual depiction; and,
3. that the visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.

**PENALTY:**

**COUNT 1** 18 U.S.C. 2252A(a)(2)(B) = Distribution of child pornography  
5-20 years in prison and up to \$250,000 fine

**COUNTS 3 & 4:** 18 U.S.C. 2251(a) = Sexual exploitation of children  
15-30 years in prison and up to \$250,000 fine.

**SUPERVISED**

**RELEASE:** At least 5 years up to any term of years or Life.

**ALTERNATIVE  
FINE BASED ON  
GAIN OR LOSS:**

Not Applicable

**SENTENCING  
GUIDELINES:**

Applicable

**RESTITUTION:**

Applicable

**SEX OFFENDER**

**REGISTRATION:** Applicable

**SPECIAL**

**ASSESSMENT:** \$100 per count of conviction and a \$5,000 special assessment under the Justice for Victims Trafficking Act of 2015 per count of conviction. Up to \$35,000 special assessment under the Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018 and mandatory restitution of at least \$3,000 per victim for Count 1 and up to \$50,000 special assessment under the Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018 and mandatory restitution of at least \$3,000 per victim for Counts 3 and 4.

**ATTACHMENT:** Plea Agreement